



US Army Corps
of Engineers
Alaska District

Regulatory Branch (1145b)
8800 Glacier Highway
Suite 106
Juneau, Alaska 99801-8079

Public Notice of Application for Permit

PUBLIC NOTICE DATE: July 22, 2005

EXPIRATION DATE: August 22, 2005

REFERENCE NUMBER: POA-1998-8-P

WATERWAY NUMBER: Montana Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States (U.S.) as described below and shown on the attached plan.

APPLICANT: Montana Creek Development, Inc. (MCDI), Post Office Box 33517, Juneau, Alaska 99803-3517

AGENT: Mr. Dan Miller with MCDI at the above address, phone (907) 789-5727

LOCATION: The project is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T. 40 S., R. 65 E.; Latitude 58°24'28"N., Longitude 134°35'49"W.; within Phase V (5) of the Montana Creek Subdivision in Juneau, Alaska.

WORK: Applicant proposes to construct a 23-lot residential subdivision on a 5-acre tract of land, which would involve discharging approximately 7,000-cubic yards of sandy gravel fill material into 21,638-square feet (0.5-acre) of forested wetlands. Paved roads with curb and gutter would be extended into the site resulting in 0.29-acres of wetland fill for public street development. The remaining 0.21-acres of wetland fill would result from the construction of residential lots in the wetlands, as shown on the attached drawings. Approximately two feet of muck and organic soil would be excavated from some of the fill areas and placed on an upland area and/or be used in the proposed fill areas.

PURPOSE: The applicant states the purpose of the project would be to construct residential housing.

ADDITIONAL INFORMATION: Approximately 4,204-square feet of Class A wetlands would be filled by the project, according to the Juneau Wetland Management Plan. The remaining wetlands have been classified as Class C wetlands that extend 500-feet from the edge of Montana Creek Road (see attached sheet 1 of 8).

The Corps of Engineers (Corps) issued its original permit under this file number on September 3, 1998, to discharge 1,400-cubic yards of fill material into 0.21-acres of wetlands for Phase III development. A permit modification was issued on June 23, 2003, to discharge an additional 200-cubic yards of fill material in 0.04-acres of wetlands for another lot in the Phase III development.

The second and last permit modification was issued on January 22, 2004, to discharge 1,693-cubic yards of fill material into 0.35-acres of wetlands for Phase IV development.

The applicant has also provided conceptual long-range plans for the entire site (see attached sheet 2 of 8), as requested previously by some resource agencies. The plans involve the development of an additional four phases (6-9) of housing development, which would impact an additional 3.34-acres of wetlands. However, these additional phases are not being applied for at this time.

There is an existing operational gravel pit within the proposed phase VI (6) area. In addition, the Corps issued a nationwide permit (file number POA-2004-1536-D) to fill 1,320-square feet of wetlands for a driveway to a private residence in the northwest corner of the site.

MITIGATION: As a result of early project planning, the applicant has proposed the following mitigation efforts to reduce impacts to the aquatic environment:

- 1) Proposed wetland fill was reduced from an original 1.35-acres in the application to the current 0.5-acre. This was accomplished by such measures as reducing building pads in wetlands from 50-feet by 70-feet to 50-feet by 55-feet.
- 2) The applicant proposes to use temporary silt fences and other features, as shown in the attached drawings, to minimize erosion and sedimentation from the site.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996), 16 U.S.C. *et seq* and associated Federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and Federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the

discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Jeff Koschak at (907) 790-4490, or by email at jeffrey.a.koschak@poa02.usace.army.mil, if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

() Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

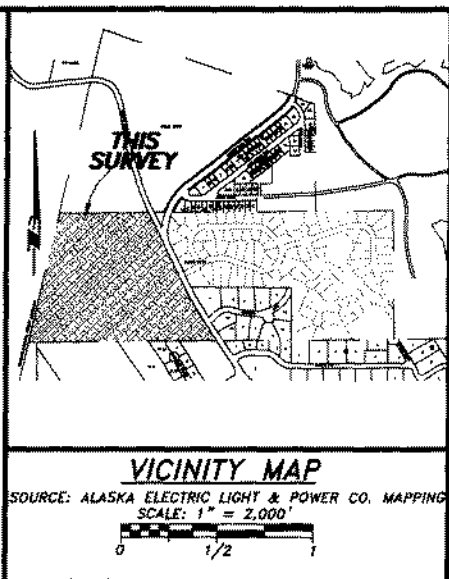
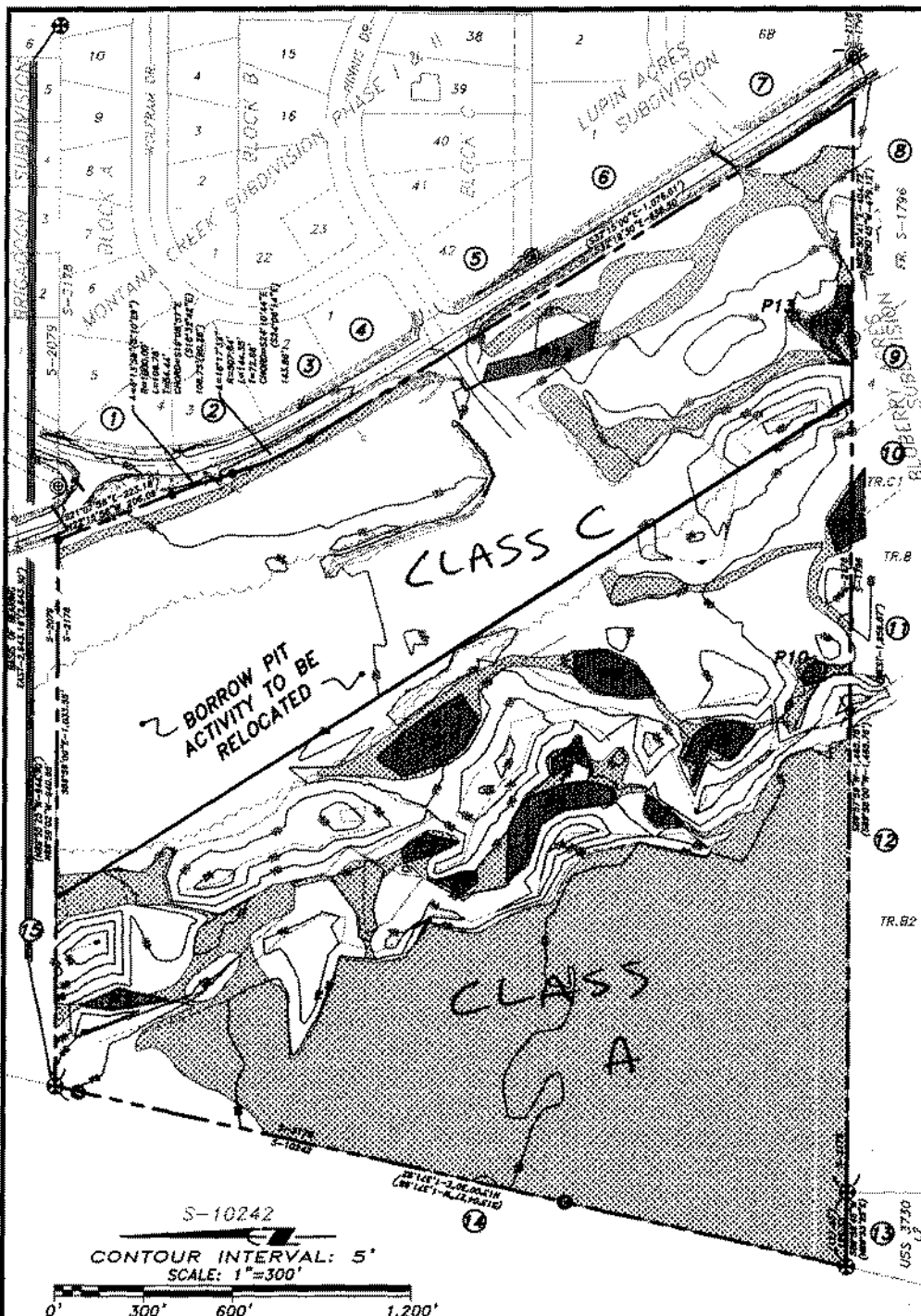
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



WETLANDS:
 WETLAND DELINIATION BY
 DUNN ENVIRONMENTAL
 SERVICES

LEGAL DESCRIPTION:
 ALL OF TRACT 1,
 U.S. SURVEY No. 2178

- SYMBOLS:**
- WETLANDS
 - POND AREA
 - 70- CONTOUR LINE
 - TREELINE
 - BOUNDARY

PROJECT PURPOSE
 THE SUBDIVISION OF
 TRACT 1, U.S. SURVEY
 No. 2178 MONTANA
 CK. RD-CBJ

**GASTINEAU CHANNEL
 TIDAL DATA-1999**

HIGHEST OBSERVED	24.26
MHHW	16.28'
MHW	15.34'
MSL	8.58'
MTL	8.46'
MLW	1.59'
MLLW	0.00'
LOWEST OBSERVED	-5.46'

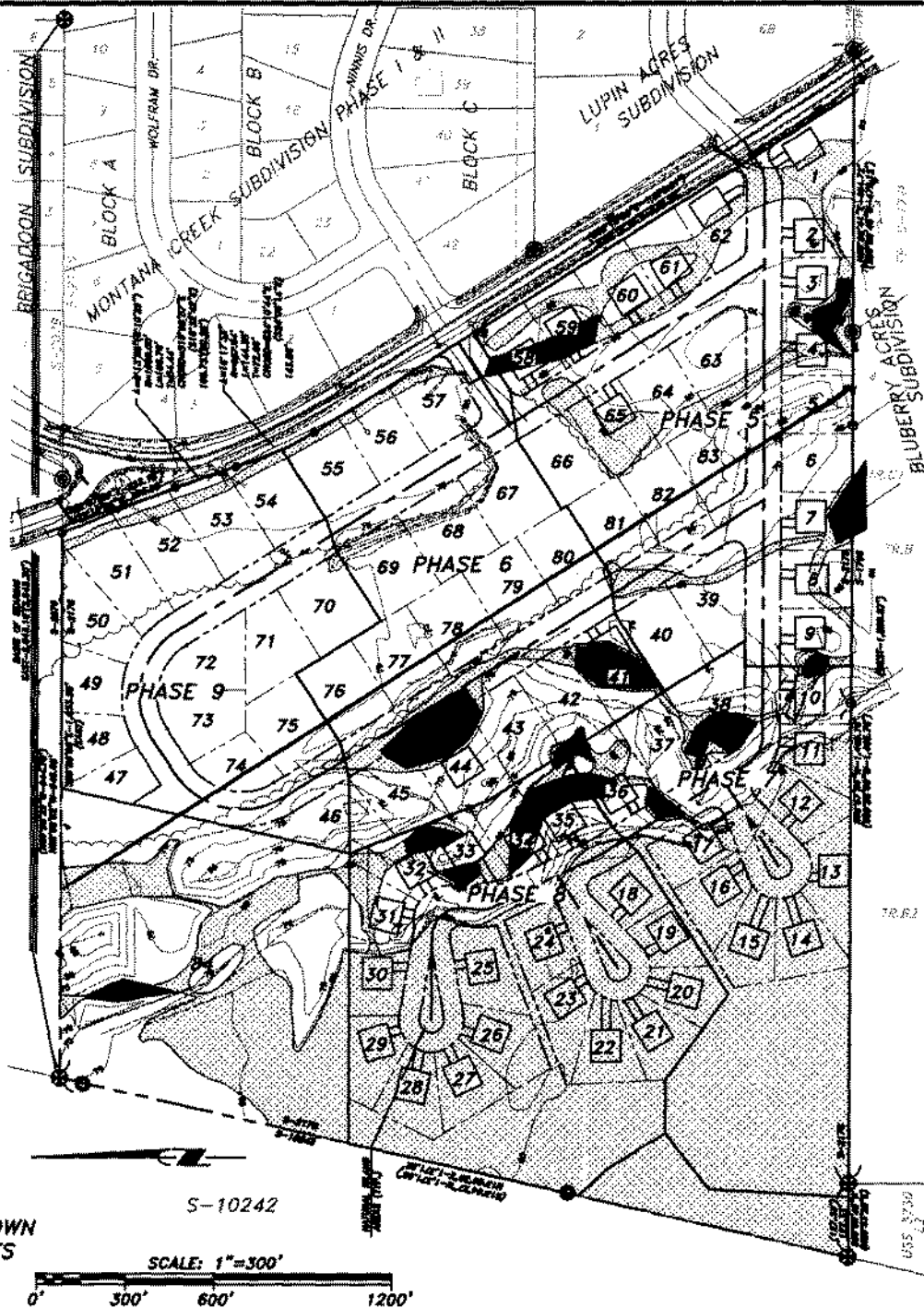
**SITE LOCATION MAP
 SHEET INDEX**

SHT.	DESCRIPTION
1	SITE TOPOGRAPHY, WETLANDS DELINIATION, AND VICINITY MAP
2	SITE SUBDIVISION DEVELOPMENT PLAN PHASES 5 THRU 9
3	SITE SUBDIVISION PHASE 5
4 - 7	SECTIONS AND DETAILS
8	ADJACENT PROPERTY OWNERS & SYMBOLS

**MONTANA CREEK
 SUBDIVISION
 PHASES
 5 THRU 9**

IN: MONTANA CREEK AREA
 AT: JUNEAU, ALASKA
 APPLICANT: BICKNELL INC.
 P.O. BOX 3357
 JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 1 OF 8
 R&M PROJ.: 041744



NOTE:
HOUSE PAD
& DRIVEWAY SHOWN
ON WETLAND LOTS
ONLY

S-10242

SCALE: 1"=300'

0' 300' 600' 1200'

WETLANDS REQUIRED WITHIN ALL PHASES

TOTAL SITE WETLANDS	= 777,438 sq. ft. / 17.85 ac.
WETLANDS REQUIRED FOR LOT DEVELOPEMENT	= 79,404 sq. ft. / 1.82 ac.
WETLANDS REQUIRED FOR ROADWAY DEVELOPEMENT	= 88,157 sq. ft. / 2.02 ac.
TOTAL WETLANDS REQUIRED FOR DEVELOPEMENT OF PHASES 5 THRU 9	= 167,561 sq. ft. / 3.84 ac.
TOTAL UNAFFECTED WETLANDS	= 609,877 sq. ft. / 14.01 ac.

MONTANA CREEK SUBDIVISION WETLANDS REQUIRED FOR ALL PHASES

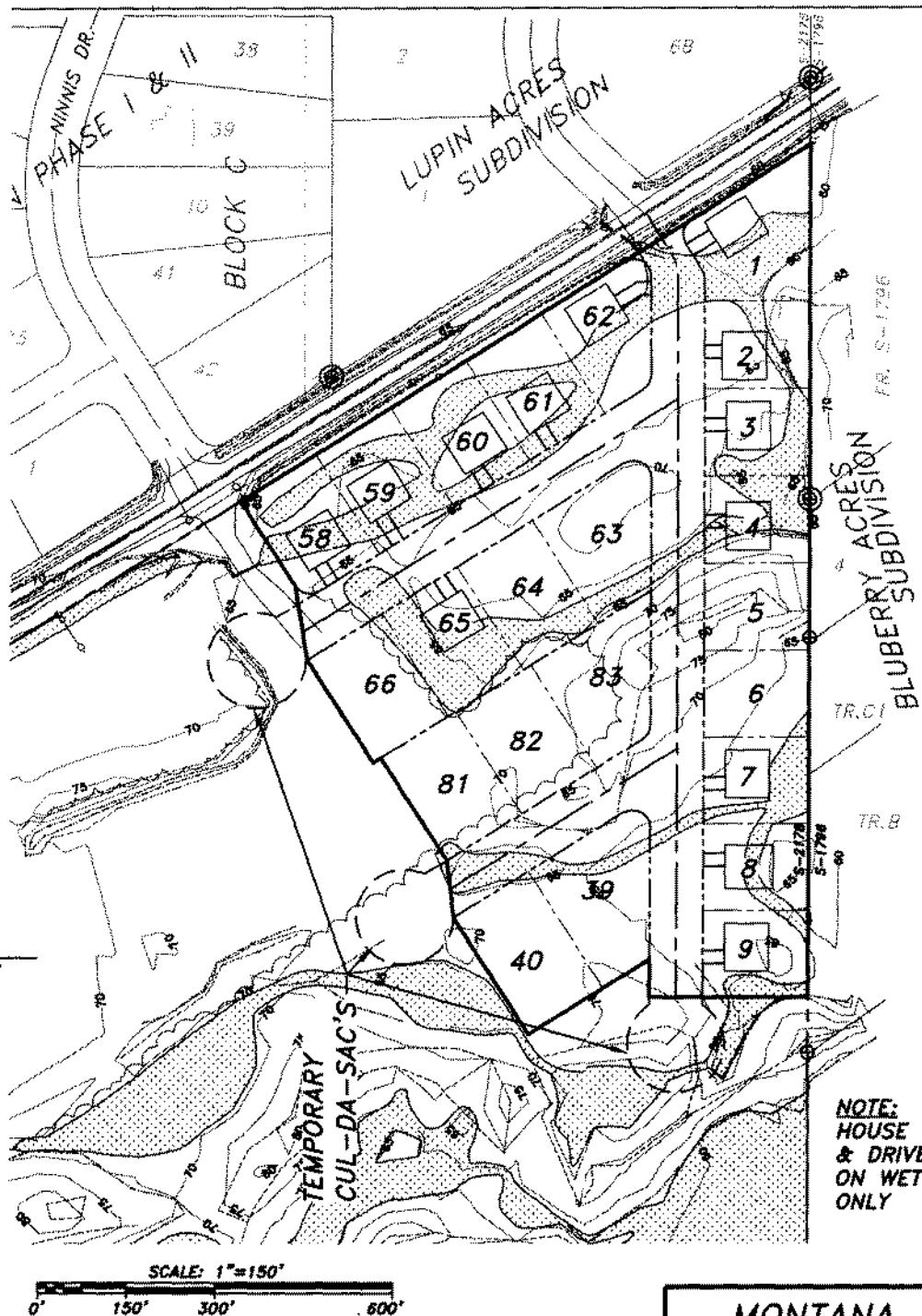
IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

APPLICANT: BICKNELL INC.
P.O. BOX 3357
JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 2 OF 8

R&M PROJ.: 041744



WETLANDS REQUIRED WITHIN PHASE 5

TOTAL WETLANDS WITHIN PHASE 5 = 87,132 sq. ft. / 2.00 ac.

WETLANDS REQUIRED FOR LOT DEVELOPEMENT = 9,210 sq. ft. / 0.21 ac.

WETLANDS REQUIRED FOR ROADWAY DEVELOPEMENT = 12,428 sq. ft. / 0.29 ac.

TOTAL WETLANDS REQUIRED FOR DEVELOPEMENT OF PHASE 5 = 21,638 sq. ft. / 0.50 ac.

TOTAL UNAFFECTED WETLANDS WITHIN PHASE 5 = 65,494 sq. ft. / 1.50 ac.

MONTANA CREEK SUBDIVISION WETLANDS REQUIRED FOR PHASE 5 ONLY

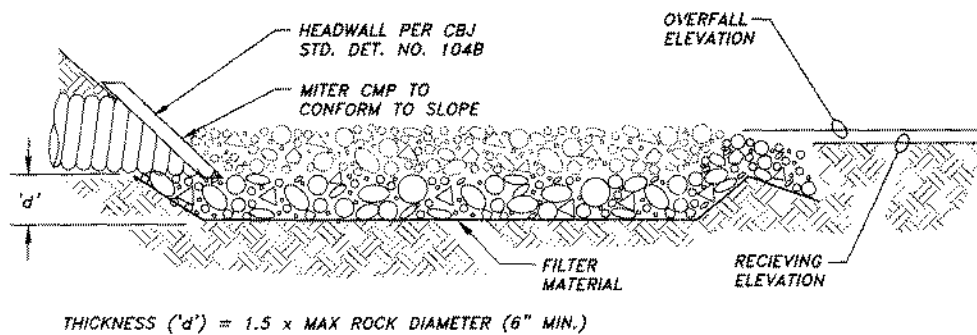
IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

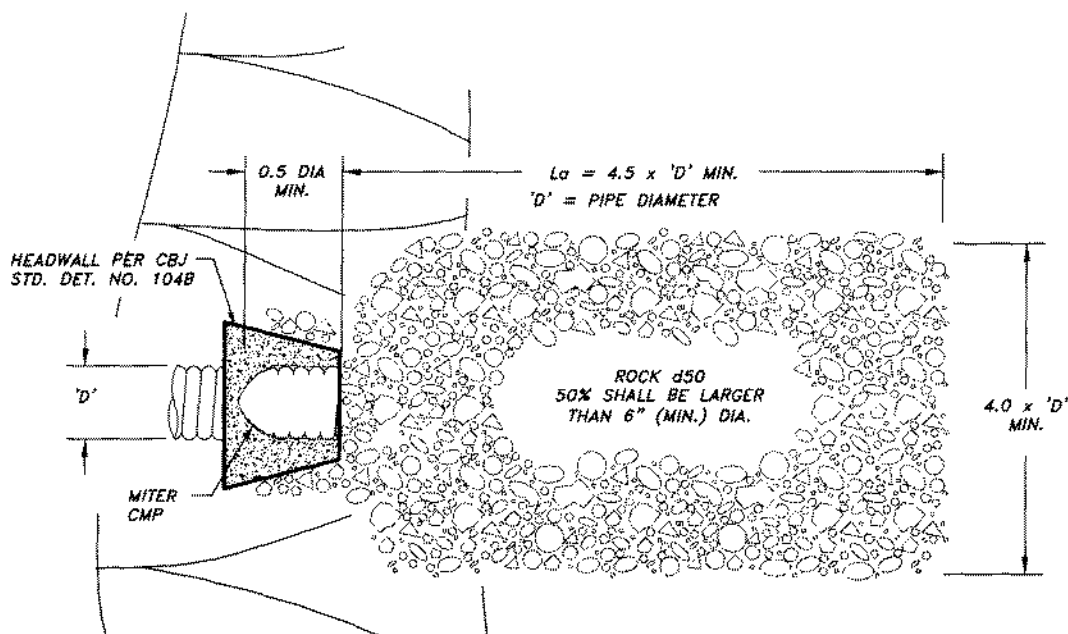
APPLICANT: BICKNELL INC.
P.O. BOX 3357
JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 3 OF 8

R&M PROJ.: 041744



SECTION



PLAN

NOTES:

1. 'La' = LENGTH OF APRON. DISTANCE 'La' SHALL BE OF SUFFICIENT LENGTH TO DISSIPATE ENERGY.
2. APRON SHALL BE SET AT A ZERO GRADE AND ALIGNED STRAIGHT.
3. FILTER MATERIAL SHALL BE FILTER FABRIC OR 6\"/>

CULVERT DISCHARGE ENERGY DISSIPATOR N.T.S.

MONTANA CREEK SUBDIVISION PHASE 5

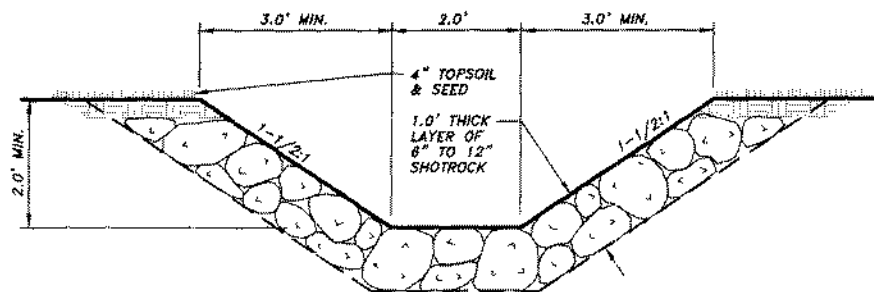
IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

APPLICANT: BICKNELL INC.
P.O. BOX 3357
JUNEAU, ALASKA 99803

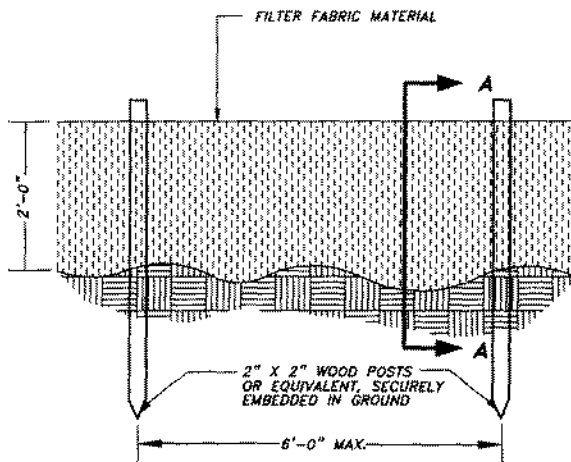
DATE: MARCH, 2005 SHEET 4 OF 8

R&M PROJ.: 041744

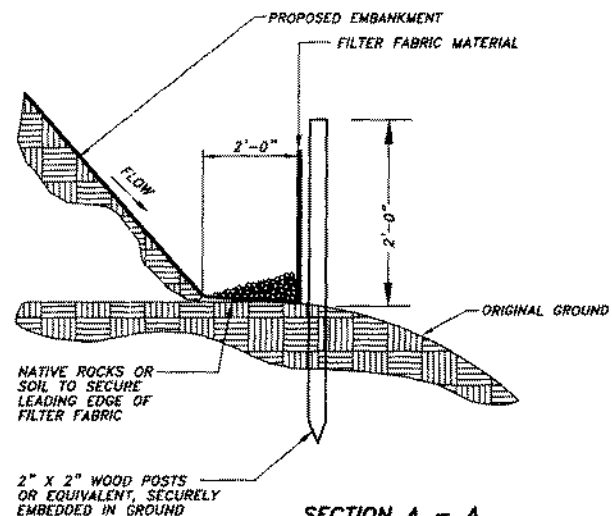


ROCKED STORM WATER OUTFALL DITCH

N.T.S.



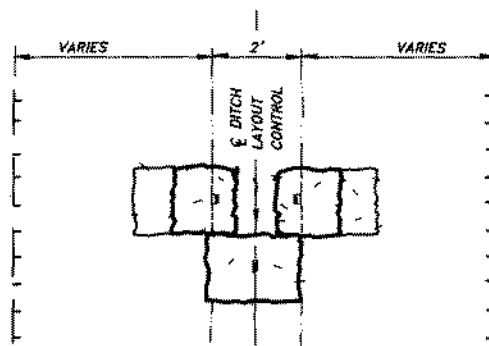
ELEVATION



SECTION A - A

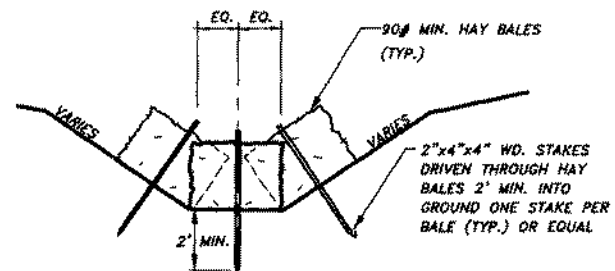
TEMPORARY SILT FENCE DETAIL

N.T.S.



PLAN

ALTERNATE TO HAY BALE BARRIER
MAY BE WASHED/SCREENED ROCK
FILTER METHODS AS APPROVED BY
THE ENGINEER.



SECTION

TEMPORARY EROSION CONTROL BARRIER

N.T.S.

NOTE:

TEMPORARY EROSION & SEDIMENTATION CONTROL BARRIER CONSISTING OF HAY BALES AND 2"x4"x4" WD. STAKES SHALL BE CONSTRUCTED AS SHOWN IN THIS DETAIL AND/OR AS DIRECTED BY THE ENGINEER. ACTUAL LOCATIONS MAY VARY AND MAY BE RELOCATED AS DIRECTED BY THE ENGINEER.

EROSION AND SEDIMENT CONTROL NOTES:

1. EROSION CONTROL BARRIERS SHALL BE PLACED AS SOON AS ANY DRAINAGE WAY IS ESTABLISHED.
2. BARRIERS WILL BE MAINTAINED AND SERVICED THROUGH-OUT CONSTRUCTION.
3. COLLECTED SEDIMENT WILL BE DISPOSED OF OFFSITE AT EXISTING APPROVED DUMP SITE.
4. ROCK LINED DITCHES (WHERE REQUIRED) SHALL BE CONSTRUCTED AS SOON AS THE FINISHED DITCH FLOW LINES ARE ESTABLISHED.
5. SEE THIS SHEET FOR DETAILS AND SHEETS 6 THRU 9 OF 14 FOR LOCATIONS OF EROSION CONTROL DEVICES.
6. SEE OTHER PLAN AND DETAIL SHEETS FOR DETAILS ON MATTING AND SEEDING.

MONTANA CREEK SUBDIVISION PHASE 5

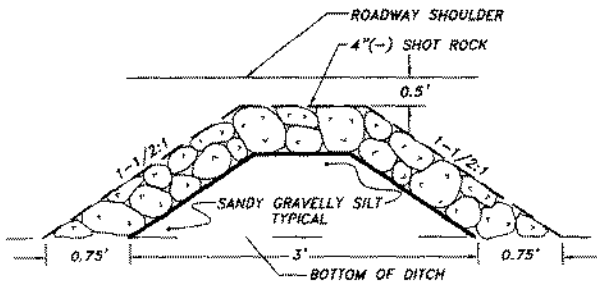
IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

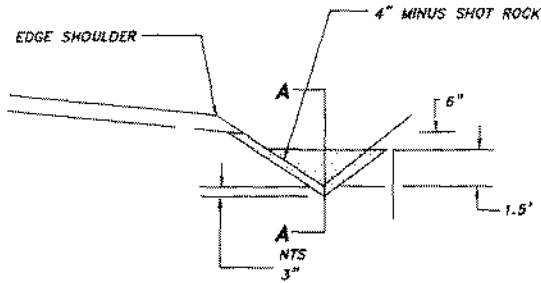
APPLICANT: BICKNELL INC.
P.O. BOX 3357
JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 5 OF 8

R&M PROJ.: 041744



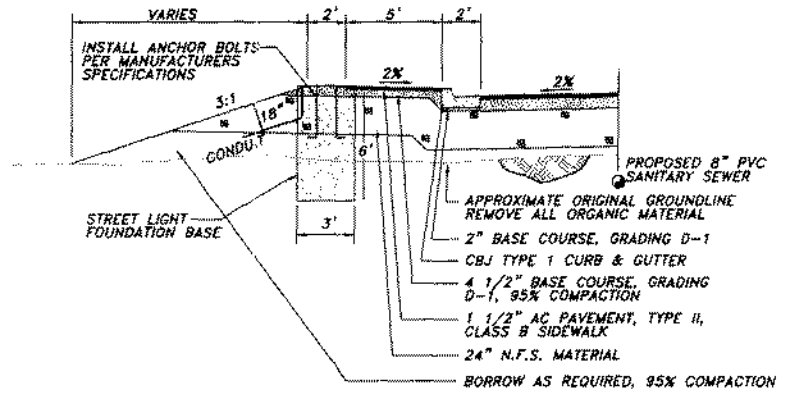
SECTION VIEW A - A



END VIEW

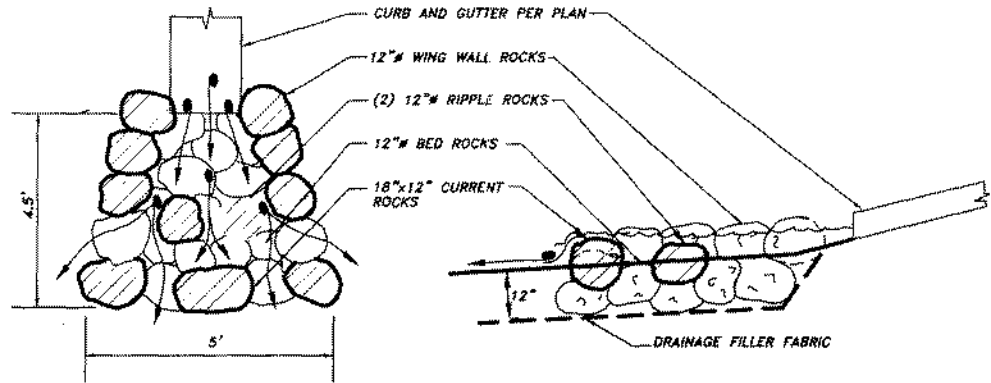
DITCH AND/OR SWALE BLOCK DETAIL

N.T.S.



TYPICAL STREET FOUNDATION BASE

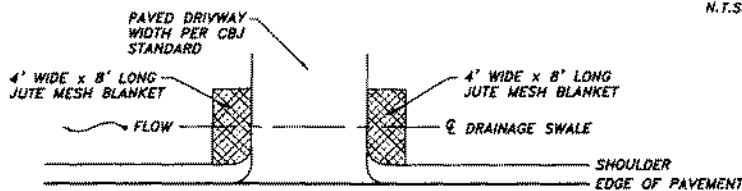
N.T.S.



PLAN

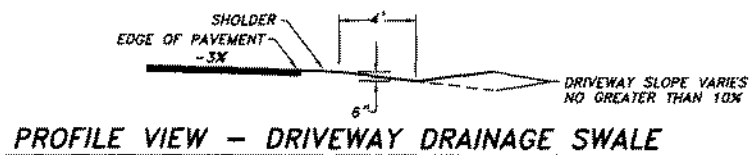
**CURB & GUTTER
ROCK ENERGY DISSIPATER**

N.T.S.



PLAN VIEW - DRIVEWAY DRAINAGE SWALE

N.T.S.



PROFILE VIEW - DRIVEWAY DRAINAGE SWALE

SEE SHEET 5 FOR EROSION
& SEDIMENT CONTROL NOTES

MONTANA CREEK SUBDIVISION PHASE 5

IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

APPLICANT: BICKNELL INC.
P.O. BOX 3357
JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 6 OF 8

R&M PROJ.: 041744

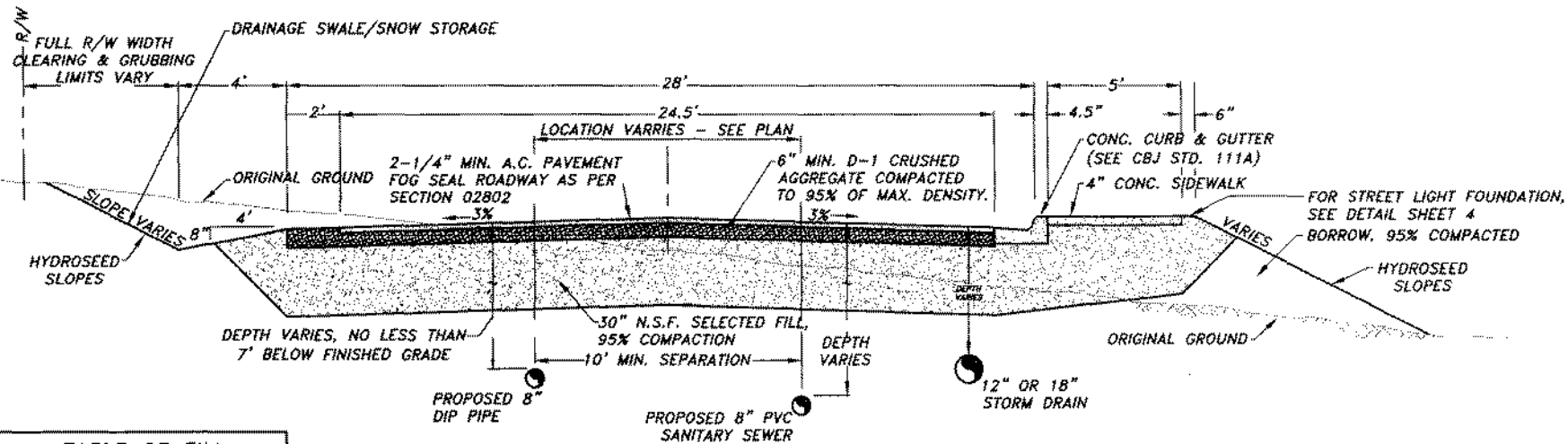


TABLE OF FILL
SLOPES (BEYOND SWALE
AND / OR SIDEWALK)

HEIGHT	SLOPE
0 - 1'	4:1
1 - 4'	2:1
4' +	1-1/2:1 *

* ROCK SLOPE OR
REMAIN @ 2:1
AND SEED

TYPICAL ROADWAY SECTION

N.T.S.

TABLE OF CUT
BACK SLOPES

HEIGHT	SLOPE
0 - 6'	2:1
6' +	1-1/2:1 **

** ROCK SLOPE WITH
6" MINUS FOR
STABILITY

MONTANA CREEK
SUBDIVISION
WETLANDS REQUIRED
FOR ALL PHASES

IN: MONTANA CREEK AREA

AT: JUNEAU, ALASKA

APPLICANT: BICKNELL INC.

P.O. BOX 3357
JUNEAU, ALASKA 99803

DATE: MARCH, 2005 SHEET 7 OF 8

R&M PROJ.: 041744

**LOT AND ROAD INFORMATION FOR PHASE V ONLY
MONTANA CREEK SUBDIVISION**

LOT #	LOT AREA			AFFECTED WETLANDS			UNAFFECTED WETLANDS			WETLAND FOR ROADWAY	
	SQ. FT.	ACRES		SQ. FT.	ACRES		SQ. FT.	ACRES		SQ. FT.	ACRES
1	17,483	0.40		716	0.02		7,091	0.16			
2	12,000	0.27		163	0.00		1,239	0.03			
4	12,000	0.27		1,211	0.03		4,541	0.10			
7	12,000	0.28		10	0.00		4,679	0.11			
8	12,000	0.27		886	0.02		1,162	0.03			
58	13,328	0.31		1,802	0.04		3,543	0.08			
59	13,500	0.31		1,355	0.03		5,509	0.13			
60	13,500	0.31		435	0.01		5,380	0.12			
61	13,500	0.31		876	0.02		4,565	0.10			
62	13,768	0.32		756	0.02		3,603	0.08			
65	14,000	0.32		1,000	0.02		8,476	0.19			
										12,428	0.29
TOTALS	147,079	3.37		9,210	0.21		49,788	1.13		12,428	0.29

TOTAL WETLANDS IMPACTED BY LOTS SQ. FT AC.
AND ROADS FOR PHASE V _____ 21,638 0.50

CLASS A AFFECTED WETLANDS WITHIN PHASE V ----- 4,204 SQ. FT.
TOTAL CLASS A WETLANDS WITHIN PHASE V -----14,949 SQ. FT.

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1998-8-P (Montana Creek), serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274

Attachment 1

FRANK H. MURKOWSKI, GOVERNOR

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT & PERMITTING

ALASKA COASTAL MANAGEMENT PROGRAM
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1998-8-P (Montana Creek)**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program (ACMP). Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the OPMP web site at <http://www.dnr.state.ak.us/opmp/>